

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, July 9, 2013, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman John Clark
Alderman Colette George
Vice-Mayor Mike McIntire

Alderman Tom C. Parham
Alderman Tom Segelhorst
Alderman Jantry Shupe
(left at 7:19 p.m. after roll call)

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. PLEDGE OF ALLEGIANCE TO THE FLAG:** Valerie Joh.
- II.B. INVOCATION:** Ray Amos, Jr., Pastor – St. Matthew United Methodist Church.
- III.A. SWEARING IN OF ELECTED BOARD MEMBER OFFICIALS:** Honorable E. G. Moody swore in Mayor Phillips, Alderman Clark, Alderman George and Alderman Parham.
- III.B. SELECTION OF VICE MAYOR:** Alderman Shupe made a motion to re-appoint Mr. Parham as Vice Mayor. Mr. Parham seconded the motion in support of his willingness to continue to serve. During the vote, the motion failed five to two. Alderman George then made a motion to appoint Alderman McIntire as the Vice-Mayor, seconded by Alderman Segelhorst. The motion passed with five “ayes”, one “nay” and one abstention.
- III.C. ROLL CALL:** By City Recorder Demming. All Present with Alderman Shupe leaving the meeting at this time.
- IV. RECOGNITIONS AND PRESENTATIONS.**
1. O. W. Ferguson Proclamation read by Mayor Phillips.
- V. APPROVAL OF MINUTES.**

Motion/Second: McIntire/Segelhorst, to approve minutes for the following meetings:

- A. June 17, 2013 Regular Work Session
B. June 18, 2013 Regular Business Meeting

Approved: All present voting “aye.”

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VI. COMMUNITY INTEREST ITEMS.

AA. PUBLIC HEARINGS.

1. Public Hearing and Consideration of Ordinances to Annex/Amend the Zoning of the Bennett Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 178-2013). Planner Corey Shepherd gave a presentation on this item.

PUBLIC COMMENT ON ITEM VI.AA.1. None.

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE BENNETT ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MEMORIAL BOULEVARD B-3, HIGHWAY ORIENTED BUSINESS DISTRICT IN THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/George, to pass:

Resolution No. 2014-001, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE BENNETT ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

2. Public Hearing for Annexation Annual Plan of Services Report (AF: 177-2013). Planner Corey Shepherd gave a brief presentation on this item.

PUBLIC COMMENT ON ITEM VI.AA.2. None.

3. Public Hearing and Consideration of Ordinances to Annex/Amend the Zoning of the Shadyside Drive Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 194-2013). Planner Ken Weems gave a presentation on this item.

PUBLIC COMMENT ON ITEM VI.AA.3. None.

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Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE SHADYSIDE DRIVE ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG SHADYSIDE DRIVE TO R-1B, RESIDENTIAL DISTRICT IN THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2014-002, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE SHADYSIDE DRIVE ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

4. Consideration of an Ordinance Establishing the FY14 Tax Rate for City of Kingsport Sullivan County and City of Kingsport Hawkins County (AF: 190-2013).

Motion/Second: Clark/Segelhorst, to pass:

AN ORDINANCE PROVIDING FOR AND FIXING THE TAX RATE ON ALL REAL, PERSONAL, AND MIXED PROPERTY WITHIN THE CITY OF KINGSPORT, SULLIVAN COUNTY AND THE CITY OF KINGSPORT, HAWKINS COUNTY WHICH IS TAXABLE ON THE BASIS OF ASSESSMENTS MADE BY THE COUNTY PROPERTY ASSESSORS AND THE DIVISION OF PROPERTY ASSESSMENTS OF THE STATE OF TENNESSEE FOR THE YEAR 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

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1. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Enter Into a Materials Agreement with Danny Karst Related to the Edinburgh Phase 4 Development and an Ordinance to Appropriate the Funds (AF: 192-2013).

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2014-003, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MATERIALS AGREEMENT WITH DANNY KARST RELATED TO EDINBURGH PHASE 4 DEVELOPMENT AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Motion/Second: Segelhorst/Clark, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY DECREASING FUNDS TRANSFERRED TO THE EDINBURGH PHASE 4 MATERIALS AGREEMENT PROJECTS (WA1379 AND SW1379); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of Ordinance to Amend Zoning of One Parcel and a Portion of One Parcel Located at 2697 and 2705 Rock Springs Road (AF: 154-2013).

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6239, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD TO R-1B, RESIDENTIAL DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst and Phillips voting "aye."

2. Consideration of an Ordinance to Amend Zoning of a Portion of One Parcel Located at 320 Blakley Drive (AF: 155-2013).

Motion/Second: Segelhorst/McIntire, to pass:

ORDINANCE NO. 6330, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG BLAKLEY DRIVE TO PD, PLANNED DEVELOPMENT, IN THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst and Phillips voting "aye."

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D. OTHER BUSINESS.

1. Consideration of a Resolution Awarding the Bid for the Purchase of Two (2) 4X4 Pick-Up Trucks to Empire Ford, Inc. (AF: 181-2013).

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2014-004, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF TWO 4X4 PICK-UP TRUCKS TO EMPIRE FORD, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

2. Consideration of a Resolution Awarding the Bid for the Purchase of Road Salt to North American Salt Company, Inc. for FY14 (AF: 182-2013).

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2014-005, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF ROAD SALT TO NORTH AMERICAN SALE COMPANY, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

3. Consider Resolution to Authorize City Recorder to Reconcile and Adjust Uncollectible Property Tax for Tax Year 2002 (AF: 188-2013).

Motion/Second: McIntire/Clark, to pass:

Resolution No. 2014-006, A RESOLUTION AUTHORIZING THE CITY RECORDER TO RECONCILE AND ADJUST DELINQUENT PROPERTY TAX RECEIVABLES IN FISCAL YEAR 2013 FOR THE TAX YEAR 2002 AND AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY RECORDER TO EXECUTE ANY PLEADINGS NECESSARY AND PROPER FOR THE DELINQUENT TAX COLLECTION LAWSUIT

Passed: All present voting "aye."

4. Consideration of a Resolution to Enter into an Agreement with Holston Medical Group for Their Sponsorship of the 50-Meter Competition Pool (AF: 196-2013).

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2014-007, A RESOLUTION APPROVING AN AGREEMENT WITH HOLSTON MEDICAL GROUP AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

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5. Consideration of a Resolution Authorizing the Execution of an Amendment to the Agreement with Borden Dairy Company of Kentucky (Formerly Flav-O-Rich Dairy) and Authorizing the Mayor to Sign All Applicable Documents (AF: 184-2013).

Motion/Second: George/Segelhorst, to pass:

Resolution No. 2014-008, A RESOLUTION RENEWING AN AGREEMENT WITH BORDEN DAIRY COMPANY OF KENTUCKY, LLC (FORMERLY FLAV-O-RICH DAIRIES) FOR CERTAIN MILK AND DAIRY ITEMS FOR SCHOOL NUTRITION SERVICES

Passed: All present voting "aye."

6. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with MetLife Insurance Company for Employee Long Term Disability Insurance and Rejecting Bids for Life and Dental Insurance (AF: 187-2013).

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2014-009, A RESOLUTION AWARDED THE PROPOSAL FOR LONG TERM DISABILITY INSURANCE TO METLIFE INSURANCE COMPANY; APPROVING AN AGREEMENT WITH METLIFE INSURANCE COMPANY; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE TERMS OF THE AGREEMENTS; AND REJECTING THE LIFE AND DENTAL INSURANCE BIDS RECEIVED

Passed: All present voting "aye."

7. Consideration of a Resolution Accepting a Contract Amendment with the Tennessee Department of Transportation to Extend the Roadscapes Interchange Beautification Project Deadline (AF: 193-2013).

Motion/Second: George/Clark, to pass:

Resolution No. 2014-010, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

8. Consideration of a Resolution Authorizing the Mayor to Sign a Change Order with Bracken and Associates for the Improvements to the Robinson Parking Lot (AF: 198-2013).

Motion/Second: Clark/Segelhorst, to pass:

Resolution No. 2014-011, A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH BRACKEN AND ASSOCIATES FOR IMPROVEMENTS TO

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THE ROBINSON MIDDLE SCHOOL PARKING LOT; AUTHORIZING THE MAYOR TO SIGN THE CHANGE ORDER AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

9. Consideration of a Resolution Authorizing the Issuance of Purchase Orders to Toter, LLC for the Purchase of Garbage and Recycling Carts for Fiscal Year 2014 (AF: 183-2013).

Motion/Second: McIntire/George, to pass:

Resolution No. 2014-012, A RESOLUTION APPROVING THE PURCHASE OF GARBAGE AND RECYCLING CARTS FROM TOTER, LLC FOR FISCAL YEAR 2014 AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

10. Consideration of a Resolution Authorizing the Issuance of a Purchase Order for Two Replacement Schools Maintenance Pickup Trucks from Empire Ford (AF: 185-2013).

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2014-013, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF TWO SCHOOLS MAINTENANCE PICK-UP TRUCKS TO EMPIRE FORD, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

11. Consideration of a Resolution Authorizing the Execution of an Amendment to the Agreement with Mary's Salads & Produce and Authorizing the Mayor to Sign All Applicable Documents (AF: 186-2013).

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2014-014, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL OF AN AGREEMENT WITH MARY'S SALADS AND PRODUCE FOR PRODUCE ITEMS FOR SCHOOL NUTRITION SERVICES

Passed: All present voting "aye."

12. Consideration of Initial Bond Resolution Authorizing the Issuance of General Obligation Public Improvement Bonds in an Amount Not to Exceed \$28,900,000 and an Initial Bond Resolution Authorizing the Issuance of General Obligation Bonds in an Amount Not to Exceed \$1,330,000 (AF: 189-2013).

The board authorized the city manager to advertise and hold a TEFRA hearing in regards to the \$1,330,000 in bonds issued for the Aquatic Center.

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Motion/Second: George/Segelhorst, to pass:

Resolution No. 2014-015, INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,330,000 GENERAL OBLIGATION BONDS OF THE CITY OF KINGSFORT, TENNESSEE, TO PROVIDE FUNDING FOR CERTAIN PUBLIC WORKS PROJECTS AND TO FUND THE INCIDENTAL AND NECESSARY EXPENSES RELATED THERETO

Passed: All present voting "aye."

Motion/Second: George/Segelhorst, to pass:

Resolution No. 2014-016, INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$28,900,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF KINGSFORT, TENNESSEE, TO PROVIDE FUNDING FOR CERTAIN PUBLIC WORKS PROJECTS AND TO FUND THE INCIDENTAL AND NECESSARY EXPENSES RELATED THERETO

Passed: All present voting "aye."

13. Consideration of a Resolution Approving an "Agreement of Resignation, Appointment and Acceptance" with Deutsche Bank National Trust Company and U.S. Bank National Association and Appointing Successor Registration Agent (AF: 200-2013).

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2014-017, A RESOLUTION APPROVING AN AGREEMENT ENTITLED "AGREEMENT OF RESIGNATION, APPOINTMENT AND ACCEPTANCE" WITH DEUTSCHE BANK NATIONAL TRUST COMPANY AND U.S. BANK NATIONAL ASSOCIATION; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE TERMS OF THE AGREEMENT; AND APPOINTING U.S. BANK NATIONAL ASSOCIATION AS THE SUCCESSOR REGISTRATION AGENT

Passed: All present voting "aye."

14. Consideration of a Resolution to Sell Property Behind Frontier Health's Waverly Road Facility and Authorizing the Mayor to Sign All Applicable Documents (AF: 199-2013).

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2014-018, A RESOLUTION EXPRESSING THE GENERAL INTENT OF THE BOARD TO SELL PROPERTY LOCATED NEXT TO FRONTIER HEALTH'S WAVERLY ROAD FACILITY SUBJECT TO CERTAIN CONDITIONS

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS. None.

VII. CONSENT AGENDA. *(These items are considered under one motion.)*

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Motion/Second: McIntire/Segelhorst, to adopt:

**1. Consideration of an Ordinance to Levy a Privilege Tax on
Litigation in the Municipal Court of the City of Kingsport (AF: 161-2013).**

Adopt:

**Ordinance No. 6331, AN ORDINANCE TO LEVY A PRIVILEGE TAX ON LITIGATION
IN THE CITY COURT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham,
Segelhorst and Phillips voting "aye."

VIII. COMMUNICATIONS.


A. CITY MANAGER. Mr. Campbell congratulated the newest board member and
reinstatement of the previous ones, noting it is pleasure working together.

B. MAYOR AND BOARD MEMBERS. Alderman George recognized a recent
successful girls' basketball tournament held by the Convention of Visitor's
Bureau, stating they did a fantastic job and she has heard lots of positive
comments. She commended the CVB for bringing in revenue for the city.
Vice-Mayor McIntire thanked the Board for placing their confidence in him and
stated he looked forward to the next two years. Alderman Segelhorst
congratulated city employees for no reported injuries during the month of
May. He also invited everyone to Funfest over the next week and to stay safe.
Mr. Segelhorst also commented favorably on the successful recycling
program. Alderman Clark expressed his appreciation for the fire department
and the danger their job entails. He also encouraged citizens to participate in
Funfest, especially the health and fitness related events. Mr. Clark also noted
the financial impact to the city made by the CVB's tournament was two million
dollars. Alderman Parham stated it is an honor and pleasure to serve as an
alderman and he sincerely enjoyed serving the past two years as vice-mayor.
He further noted he is focused on the rebirth and revitalization of Kingsport
through economic development. Mr. Parham also discussed issues that were
covered in the election and challenged the board to focus on their true job.

C. VISITORS. Mr. Baxter Hood, Ms. Barbara Brown, Ms. Mary McNabb and Mr.
James Brotherton made comments to the Board.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor
Phillips adjourned the meeting at 8:30 p.m.


ANGELA MARSHALL
Deputy City Recorder


DENNIS R. PHILLIPS
Mayor